

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 269 be amended to read as follows:

- 1 Page 1, between the enacting clause line 1, begin a new paragraph
2 and insert:
3 "SECTION 14. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2009]: **Sec. 11. (a) As used in this section, "governing body"**
6 **refers to the governing body of a school corporation that is subject**
7 **to any of the following:**
8 (1) IC 20-23-4-30.
9 (2) IC 20-23-7-8 (before its repeal on July 1, 2009) and
10 IC 20-23-7-8.1 (after June 30, 2009).
11 (3) IC 20-23-8-8.
12 (4) IC 20-23-10-8.
13 (5) IC 20-23-12.
14 (6) IC 20-23-13.
15 (7) IC 20-23-14.
16 (8) IC 20-25-3-4.
17 (b) This subsection applies to a member of a governing body
18 elected at the 2006 primary election. The successor of such a
19 member shall:
20 (1) be elected at the 2010 general election; and
21 (2) take office January 1, 2011.
22 (c) This subsection applies to a member of a governing body
23 elected at the 2008 primary election. The successor of such a
24 member shall:

(1) be elected at the 2012 general election; and

(2) take office January 1, 2013.

(d) This section expires July 1, 2013.

SECTION 2. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 9. Government Employees Holding Office

Sec. 1. (a) This chapter applies to a government employee who, after June 30, 2009, assumes an elected office of the political subdivision that employs the individual.

(b) This chapter does not apply to a government employee who, on June 30, 2009, holds an elected office of the political subdivision that employs the individual, as long as the individual continues to:

(1) hold; or

(2) be reelected to;

the elected office the individual held on June 30, 2009.

Sec. 2. As used in this chapter, "elected office" refers only to the following:

(1) The elected executive of a political subdivision.

(2) An elected member of the legislative body of a political subdivision.

Sec. 3. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.

Sec. 4. An individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.

Sec. 5. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

SECTION 3. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

(1) a declaration of candidacy under this chapter for nomination to a federal or state office; and

(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

~~(c) A person may not file:~~

~~(1) a declaration of candidacy for a nomination; and~~

~~(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.~~

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 48. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

Sec. 4. (a) A petition of nomination for a school board office must be filed:

(1) not earlier than one hundred four (104) days; and

(2) not later than noon seventy-four (74) days;

before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than ninety (90) days before the general election; and

(2) not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

SECTION 49. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 18. This chapter expires January 1, 2012.**

SECTION 50. IC 3-8-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. (a) Whenever a town is wholly or partly located in a county having a consolidated city, a petition of nomination must be filed with the circuit court clerk of the county having the consolidated city.**

(b) Whenever a town not described in subsection (a) has entered into an agreement with a county under IC 3-10-7-4, the petition must be filed with the circuit court clerk or board of registration of that county. **This subsection expires January 1, 2012.**

(c) Whenever a school corporation is located in more than one (1) county, a petition for the nomination of a candidate to a school board office must be filed with the circuit court clerk or board of registration of the county having the greatest percentage of population of the election district.

(d) When a petition is filed under ~~subsection (a), (b), or (c)~~ **this section** for nomination to an office whose election district is in more than one (1) county, the circuit court clerk or board of registration shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

SECTION 51. IC 3-8-6-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.5. A candidate may withdraw a petition of nomination by noon:

(1) July 15 before a general ~~or municipal~~ election; or

(2) forty-five (45) days before a special election.

SECTION 52. IC 3-8-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general ~~or municipal~~ election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general ~~or~~

1 ~~municipal~~ election will be held for the office.

2 (e) This subsection does not apply to a petition of nomination for
3 election to a school board office subject to IC 3-8-2-14. The
4 commission or a county election board shall rule on the validity of the
5 petition of nomination or the denial of certification under section 12(d)
6 of this chapter not later than noon sixty (60) days before the date on
7 which the general ~~or municipal~~ election will be held for the office.

8 (f) This subsection applies to a petition of nomination for election
9 to a school board office elected in a general election. All questions
10 concerning the validity of the petition of nomination shall be referred
11 to and determined by the county election board not later than noon
12 fifty-four (54) days before the date of the general election. A statement
13 questioning the validity of a petition of nomination must be filed with
14 the county election board under IC 3-8-1-2(c) not later than noon
15 sixty-seven (67) days before the date of the general election.

16 SECTION 53. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,
17 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (f), if a
19 political party has filed a statement with the election division (or any
20 of its predecessors) that the device selected by the political party be
21 used to designate the candidates of the political party on the ballot for
22 all elections throughout the state, the device must be used until:

- 23 (1) the device is changed in accordance with party rules; and
- 24 (2) a statement concerning the use of the new device is filed with
- 25 the election division.

26 (b) Except as provided in subsection (c), the device may be any
27 appropriate symbol.

28 (c) A political party or an independent candidate may not use as a
29 device:

- 30 (1) a symbol that has previously been filed by a political party or
- 31 candidate with the election division (or any of its predecessors);
- 32 (2) the coat of arms or seal of the state or of the United States;
- 33 (3) the national or state flag; or
- 34 (4) any other emblem common to the people.

35 (d) Not later than noon, August 20, before each general ~~or municipal~~
36 election, the election division shall provide each county election board
37 with a camera-ready copy of the device under which the candidates of
38 the political party or the petitioner are to be listed so that ballots may
39 be prepared using the best possible reproduction of the device.

40 (e) This subsection applies to a candidate or political party whose
41 device is not filed with the election division under subsection (a) and
42 is to be printed only on ballots to identify candidates for election to a
43 local office. Not later than noon, August 20, the chairman of the
44 political party or the petitioner of nomination shall file a camera-ready
45 copy of the device under which the candidates of the political party or
46 the petitioner are to be listed with the county election board of each

county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

SECTION 59. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

- 1 (B) Judge of the superior court, and unless otherwise specified
- 2 under IC 33, with each division separate if there is more than
- 3 one (1) judge of the superior court.
- 4 (C) Judge of the probate court.
- 5 (D) Judge of the county court, with each division separate, as
- 6 required by IC 33-30-3-3.
- 7 (E) Prosecuting attorney.
- 8 (F) Circuit court clerk.
- 9 (4) County offices:
- 10 (A) County auditor.
- 11 (B) County recorder.
- 12 (C) County treasurer.
- 13 (D) County sheriff.
- 14 (E) County coroner.
- 15 (F) County surveyor.
- 16 (G) County assessor.
- 17 (H) County commissioner.
- 18 (I) County council member.
- 19 **(5) City offices:**
- 20 **(A) Mayor.**
- 21 **(B) Clerk or clerk-treasurer.**
- 22 **(C) Judge of the city court.**
- 23 **(D) City-county council member or common council**
- 24 **member.**
- 25 ~~(5)~~ **(6) Township offices:**
- 26 (A) Township assessor (only in a township referred to in
- 27 IC 36-6-5-1(d)).
- 28 (B) Township trustee.
- 29 (C) Township board member.
- 30 (D) Judge of the small claims court.
- 31 (E) Constable of the small claims court.
- 32 ~~(6) City offices:~~
- 33 ~~(A) Mayor.~~
- 34 ~~(B) Clerk or clerk-treasurer.~~
- 35 ~~(C) Judge of the city court.~~
- 36 ~~(D) City-county council member or common council member.~~
- 37 (7) Town offices:
- 38 (A) Clerk-treasurer.
- 39 (B) Judge of the town court.
- 40 (C) Town council member.
- 41 (c) The political party offices with candidates for election shall be
- 42 placed on the primary election ballot in the following order after the
- 43 offices described in subsection (b):
- 44 (1) Precinct committeeman.
- 45 (2) State convention delegate.
- 46 (d) The following offices and public questions shall be placed on the

primary election ballot in the following order after the offices described in subsection (c):

~~(1) School board offices to be elected at the primary election;~~

~~(2) Other (1) Local offices to be elected at the primary election.~~

~~(3) (2) Local public questions.~~

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 60. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political office to be elected at the primary election ballot.~~ Candidates for a ~~school board office or a political party office~~ shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).".

Page 7, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 119. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 29.1. (a) This section applies to each school corporation.**

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must in accordance with IC 3-8-2.5 file a petition of nomination that is signed by the

1 candidate and by ten (10) registered voters residing within the
 2 boundaries of the community school corporation. The filing must
 3 be made within the time specified by IC 3-8-2.5-4.

4 (c) All nominations shall be listed for each office in the form
 5 prescribed by IC 3-11-2, but without party designation. Voting and
 6 tabulation of votes shall be conducted in the same manner as voting
 7 and tabulation in general elections are conducted. The precinct
 8 election boards serving in each county shall conduct the election
 9 for members of the governing body. If a school corporation is
 10 located in more than one (1) county, each county election board
 11 shall print the ballots required for voters in that county to vote for
 12 candidates for members of the governing body.

13 (d) If the plan provides that the members of the governing body
 14 shall be elected by all the voters of the community school
 15 corporation, candidates shall be placed on the ballot in the form
 16 prescribed by IC 3-11-2, without party designation. The candidates
 17 who receive the most votes are elected.

18 (e) If the plan provides that members of the governing body are
 19 to be elected from residence districts by all voters in the
 20 community school corporation, nominees for the governing body
 21 shall be placed on the ballot in the form prescribed by IC 3-11-2,
 22 by residence districts without party designation. The ballot must
 23 state the number of members to be voted on and the maximum
 24 number of members that may be elected from each residence
 25 district as provided in the plan. A ballot is not valid if more than
 26 the maximum number of members are voted on from a board
 27 member residence district. The candidates who receive the most
 28 votes are elected. However, if more than the maximum number
 29 that may be elected from a residence district are among those
 30 receiving the most votes, the candidates from the residence districts
 31 exceeding the maximum number who receive the fewest votes shall
 32 be eliminated in determining the candidates who are elected.

33 (f) If the plan provides that members of the governing body are
 34 to be elected from electoral districts solely by the voters of each
 35 district, nominees residing in each electoral district shall be placed
 36 on the ballot in the form prescribed by IC 3-11-2, without party
 37 designation. The ballot must state the number of members to be
 38 voted on from the electoral district. The candidates residing in the
 39 electoral district who receive the most votes are elected.

40 SECTION 120. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 41 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]: Sec. 30. (a) This section applies to each school
 43 corporation.

44 (b) If the governing body is to be elected at the primary election,
 45 each registered voter may vote in the governing body election without
 46 otherwise voting in the primary election.

47 (c) (b) If a tie vote occurs among any of the candidates, the tie vote

shall be resolved under IC 3-12-9-4.

~~(d)~~ (c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

~~(e)~~ (d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

~~(f)~~ (e) At the first ~~primary~~ or general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

~~(g)~~ (f) **Elected** governing body members ~~elected~~:

~~(1) in November~~ take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. ~~and~~

~~(2) in May take office and assume their duties on July 1 after their election.~~

SECTION 121. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

(1) trustees; and

(2) members of school boards;

of the school corporations forming the metropolitan board of education.

1 (b) The members of the metropolitan board of education shall serve
 2 ex officio as members subject to the laws concerning length of terms,
 3 powers of election, or appointment and filling vacancies applicable to
 4 their respective offices.

5 (c) If a metropolitan school district is comprised of only two (2)
 6 board members, the two (2) members shall appoint a third board
 7 member not more than ten (10) days after the creation of the
 8 metropolitan school district. If the two (2) members are unable to agree
 9 on or do not make the appointment of a third board member within the
 10 ten (10) day period after the creation of the metropolitan school district,
 11 the third member shall be appointed not more than twenty (20) days
 12 after the creation of the metropolitan school district by the judge of the
 13 circuit court of the county in which the metropolitan school district is
 14 located. If the metropolitan school district is located in two (2) or more
 15 counties, the judge of the circuit court of the county containing that part
 16 of the metropolitan school district having more students than the part
 17 or parts located in another county or counties shall appoint the third
 18 member. The members of the metropolitan board of education serve
 19 until their successors are elected or appointed and qualified.

20 (d) The first meeting of the first metropolitan board of education
 21 shall be held not more than one (1) month after the creation of the
 22 metropolitan school district. The first meeting shall be called by the
 23 superintendent of schools, or township trustee of a school township, of
 24 the school corporation in the district having the largest number of
 25 students. At the first meeting, the board shall organize, and **each year**
 26 **during the first ten (10) days of each July after the board members**
 27 **that are elected or appointed to a new term take office,** the board
 28 shall reorganize, by electing a president, a vice president, a secretary,
 29 and a treasurer.

30 (e) The secretary of the board shall keep an accurate record of the
 31 minutes of the metropolitan board of education, and the minutes shall
 32 be kept in the superintendent's office. When a metropolitan school
 33 district is formed, the metropolitan superintendent shall act as
 34 administrator of the board and shall carry out the acts and duties as
 35 designated by the board. A quorum consists of a majority of the
 36 members of the board. A quorum is required for the transaction of
 37 business. The vote of a majority of those present is required for a:

- 38 (1) motion;
- 39 (2) ordinance; or
- 40 (3) resolution;

41 to pass.

42 (f) The board shall conduct its affairs in the manner described in this
 43 section. Except in unusual cases, the board shall hold its meetings at
 44 the office of the metropolitan superintendent or at a place mutually
 45 designated by the board and the superintendent. Board records are to
 46 be maintained and board business is to be conducted from the office of

the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

(1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and

(2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 122. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;

(2) by board member districts; and

(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

(1) the number of candidates elected is the greatest number that may be elected from the board member district;

(2) the candidates elected are those who, among the candidates from the board member district, receive the most

1 votes; and

2 (3) the other candidates from the board member district are
3 eliminated.

4 (g) If there is a tie vote among the candidates for the board, the
5 judge of the circuit court in the county where the majority of the
6 registered voters of the metropolitan school district reside shall
7 select one (1) of the candidates, who shall be declared and certified
8 elected.

9 (h) If, at any time after the first board member election, a
10 vacancy on the board occurs for any reason, including an
11 insufficient number of petitions for candidates being filed, and
12 regardless of whether the vacating member was elected or
13 appointed, the remaining members of the board, whether or not a
14 majority of the board, shall by a majority vote fill the vacancy by:

15 (1) appointing a person from the board member district from
16 which the person who vacated the board was elected; or

17 (2) if the person was appointed, appointing a person from the
18 board member district from which the last elected
19 predecessor of the person was elected.

20 If a majority of the remaining members of the board is unable to
21 agree or the board fails to act within thirty (30) days after a
22 vacancy occurs, the judge of the circuit court in the county where
23 the majority of registered voters of the metropolitan school district
24 reside shall make the appointment.

25 (i) At a general election held on the earlier of:

26 (1) more than sixty (60) days after an elected board member
27 vacates membership on the board; or

28 (2) immediately before the end of the term for which the
29 vacating member was elected;

30 a successor to a board member appointed under subsection (h)
31 shall be elected. Unless the successor takes office at the end of the
32 term of the vacating member, the member shall serve only for the
33 balance of the vacating member's term. In an election for a
34 successor board member to fill a vacancy for a two (2) year
35 balance of a term, candidates for board membership need not file
36 for or with reference to the vacancy. However, as required by
37 IC 3-11-2, candidates for at-large seats must be distinguished on
38 the ballot from candidates for district seats. If there is more than
39 one (1) at-large seat on the ballot due to this vacancy, the elected
40 candidate who receives the fewest votes at the election at which the
41 successor is elected shall serve for a two (2) year term.

42 (j) At the first general election in which members of the board
43 are elected under this section, the elected candidates who constitute
44 a simple majority of the elected candidates and who receive the
45 most votes shall be elected for four (4) year terms and the other
46 elected candidates shall be elected for two (2) year terms.

47 (k) After the first general election referred to in subsection (j),

board members shall be elected for four (4) year terms and shall take office January 1 following their election.

SECTION 123. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

- 1 (A) by two (2) publications one (1) week apart in a newspaper
- 2 of general circulation published in the school township; or
- 3 (B) if there is no newspaper as described in clause (A), in a
- 4 newspaper of general circulation in the county;
- 5 of the adoption of the resolution setting forth the text of the
- 6 resolution.
- 7 (2) On the thirtieth day after the date of the last publication of the
- 8 notice under subdivision (1) and if a protest has not been filed, the
- 9 township trustee and a majority of the township board shall
- 10 confirm their preliminary resolution. If, however, on or before the
- 11 twenty-ninth day after the date of the last publication of the
- 12 notice, a number of registered voters of the school township,
- 13 equal to five percent (5%) or more of the number of votes cast in
- 14 the school township for secretary of state at the last preceding
- 15 general election for that office, sign and file with the township
- 16 trustee a petition requesting an election in the school township to
- 17 determine whether or not a metropolitan school district must be
- 18 created in the township in accordance with the preliminary
- 19 resolution, then an election must be held as provided in
- 20 subsection (h). The preliminary resolution and confirming
- 21 resolution provided in this subsection shall both be adopted at a
- 22 meeting of the township trustee and township board in which the
- 23 township trustee and each member of the township board received
- 24 or waived a written notice of the date, time, place, and purpose of
- 25 the meeting. The resolution and the proof of service or waiver of
- 26 the notice shall be made a part of the records of the township
- 27 board.
- 28 (g) Except as provided in subsection (f), a metropolitan school
- 29 district may also be created in the following manner:
- 30 (1) A number of registered voters of the school township, equal
- 31 to five percent (5%) or more of the votes cast in the school
- 32 township for secretary of state at the last general election for that
- 33 office, shall sign and file with the township trustee a petition
- 34 requesting the creation of a metropolitan school district under this
- 35 section.
- 36 (2) The township trustee and a majority of the township board
- 37 shall, not more than ten (10) days after the filing of a petition:
- 38 (A) adopt a preliminary resolution that a metropolitan school
- 39 district shall be created in the school township and proceed as
- 40 provided in subsection (f); or
- 41 (B) adopt a resolution disapproving the creation of the district.
- 42 (3) If either the township trustee or a majority of township board
- 43 members vote in favor of disapproving the resolution, an election
- 44 must be held to determine whether or not a metropolitan school
- 45 district shall be created in the school township in the same
- 46 manner as is provided in subsection (f) if an election is requested

1 by petition.

2 (h) An election required under subsection (f) or (g) may, at the
3 option of the township trustee, be held either as a special election or in
4 conjunction with a primary or general election to be held not more than
5 one hundred twenty (120) days after the filing of a petition under
6 subsection (f) or the adoption of the disapproving resolution under
7 subsection (g). The township trustee shall certify the question to the
8 county election board under IC 3-10-9-3 and give notice of an election:

9 (1) by two (2) publications one (1) week apart in a newspaper of
10 general circulation in the school township; or

11 (2) if a newspaper described in subdivision (1) does not exist, in
12 a newspaper of general circulation published in the county.

13 The notice must provide that on a day and time named in the notice, the
14 polls shall be opened at the usual voting places in the various precincts
15 in the school township for the purpose of taking the vote of the
16 registered voters of the school township regarding whether a
17 metropolitan school district shall be created in the township. The
18 election shall be held not less than twenty (20) days and not more than
19 thirty (30) days after the last publication of the notice unless a primary
20 or general election will be conducted not more than six (6) months after
21 the publication. In that case, the county election board shall place the
22 public question on the ballot at the primary or general election. If the
23 election is to be a special election, the township trustee shall give
24 notice not more than thirty (30) days after the filing of the petition or
25 the adoption of the disapproving resolution.

26 (i) On the day and time named in the notice, the polls shall be
27 opened and the votes of the voters shall be taken regarding whether a
28 metropolitan school district shall be created in the school township.
29 IC 3 governs the election except as otherwise provided in this chapter.
30 The county election board shall conduct the election. The public
31 question shall be placed on the ballot in the form prescribed by
32 IC 3-10-9-4 and must state, "Shall a metropolitan school district under
33 IC 20-23-7 be formed in the _____ School Township of
34 _____ County, Indiana?". The name of the school township
35 shall be inserted in the blanks.

36 (j) The votes cast in the election shall be canvassed at a place in the
37 school township determined by the county election board. The
38 certificate of the votes cast for and against the creation of a
39 metropolitan school district shall be filed in the records of the township
40 board and recorded with the county recorder. If the special election is
41 not conducted at a primary or general election, the school township
42 shall pay the expense of holding the election out of the school general
43 fund that is appropriated for this purpose.

44 (k) A metropolitan school district shall, subject to section 7 of this
45 chapter, be created on the thirtieth day after the date of the adoption of
46 the confirming resolution under subsection (f) or an election held under

subsubsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and ~~8~~ **8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **† January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 124. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected; and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 125. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court~~

1 that no appeal or further approval can be taken. ~~or~~

2 ~~(3)~~ (2) The plan provides solely for changes in items specified in
3 section 7(a)(5) of this chapter.

4 SECTION 126. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2009]: Sec. 8. (a) The board members of a merged school
7 corporation shall be elected at the first **primary general** election
8 following the merged school corporation's creation, and vacancies shall
9 be filled in accordance with IC 20-23-4-30.

10 (b) Until the first election under subsection (a), the board of trustees
11 of the merged school corporation consists of:

12 (1) the members of the governing body of a school corporation in
13 the county other than a school township; and

14 (2) the township trustee of a school township in the county.

15 (c) The first board of trustees shall select the name of the merged
16 school corporation by a majority vote. The name may be changed by
17 unanimous vote of the governing body of the merged school
18 corporation.

19 SECTION 127. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2009]: Sec. 3. (a) The governing body of the school
22 corporation consists of seven (7) members elected as follows:

23 (1) On a nonpartisan basis.

24 (2) In a **primary general** election ~~held~~ in the county.

25 (b) Six (6) of the members shall be elected from the school districts
26 drawn under section 4 of this chapter. Each member:

27 (1) is elected from the school district in which the member
28 resides; and

29 (2) upon election and in conducting the business of the governing
30 body, represents the interests of the entire school corporation.

31 (c) One (1) of the members elected:

32 (1) is the at-large member of the governing body;

33 (2) may reside in any of the districts drawn under section 4 of this
34 chapter; and

35 (3) upon election and in conducting the business of the governing
36 body, represents the interests of the entire school corporation.

37 SECTION 128. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2009]: Sec. 8. (a) The term of each person elected to serve on
40 the governing body

41 ~~(1)~~ is four (4) years. ~~and~~

42 ~~(2)~~ begins

43 (b) **The term of each person elected to serve on the governing**
44 **body begins** the ~~July~~ **January 1** that next follows the person's
45 election.

46 SECTION 129. IC 20-23-12-9, AS ADDED BY P.L.1-2005,

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 130. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) ~~At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members; each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

(c) ~~At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members; each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d) (b)~~ The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section: chapter.~~

SECTION 131. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.

(b) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file

a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 132. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

(1) IC 20-23-4-27; and ~~IC 20-23-4-29 through~~

(2) ~~IC 20-23-4-29.1;~~

(3) ~~IC 20-23-4-30; and~~

(4) ~~IC 20-23-4-31;~~

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 133. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a ~~petition~~ **petition of nomination** with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the ~~primary~~ **general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- 1 (A) The name of the prospective candidate.
- 2 (B) Whether the prospective candidate is a district candidate
- 3 or an at-large candidate.
- 4 (C) A certification that the prospective candidate meets the
- 5 qualifications for candidacy imposed under this chapter.
- 6 (D) The signatures of at least one hundred (100) registered
- 7 voters residing in the school corporation.
- 8 (2) Each prospective candidate for a district position must:
- 9 (A) reside in the district; and
- 10 (B) have resided in the district for at least the three (3) years
- 11 immediately preceding the election.
- 12 (3) Each prospective candidate for an at-large position must:
- 13 (A) reside in the school corporation; and
- 14 (B) have resided in the school corporation for at least the three
- 15 (3) years immediately preceding the election.
- 16 (4) Each prospective candidate (regardless of whether the
- 17 candidate is a district candidate or an at-large candidate) must:
- 18 (A) be a registered voter;
- 19 (B) have been a registered voter for at least the three (3) years
- 20 immediately preceding the election; and
- 21 (C) be a high school graduate or have received a:
- 22 (i) high school equivalency certificate; or
- 23 (ii) state general educational development (GED) diploma
- 24 under IC 20-20-6.
- 25 (5) A prospective candidate may not:
- 26 (A) hold any other elective or appointive office; or
- 27 (B) have a pecuniary interest in any contract with the school
- 28 corporation or its governing body;
- 29 as prohibited by law.

30 SECTION 134. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2009]: Sec. 8. **(a)** The term of each person elected to serve on
 33 the governing body

34 ~~(1)~~ is four (4) years. ~~and~~

35 ~~(2)~~ begins

36 **(b) The term of each person elected to serve on the governing**
 37 **body begins on the July 1 or January 1** that next follows the person's
 38 election.

39 SECTION 135. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 9. The members are elected as follows:

42 (1) Three (3) of the members are elected at the **primary general**
 43 election to be held in ~~2008~~ **2012** and every four (4) years
 44 thereafter.

45 (2) Two (2) of the members are elected at the **primary general**
 46 election to be held in ~~2006~~ **2010** and every four (4) years

thereafter.

SECTION 136. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board consists of seven (7) members. A member:

- (1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and
- (2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

- (1) balloting procedures for the election under IC 3; and
- (2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the

election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6."

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 13. IC 36-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 4.5. Employment of Relatives

Sec. 1. This section does not apply to an individual who:

- (1) is a contractor or employed by a contractor, for the design or construction of a unit's public works project;**
- (2) is a vendor or employed by a vendor for a purchase by the unit of supplies;**
- (3) is a vendor or employed by a vendor for a purchase of mowing services, or property maintenance services for the unit; or**
- (4) is a member of a paid fire department or a volunteer fire department that renders fire protection services to the unit.**

Sec. 2. (a) As used in this chapter, "relative" means:

- (1) a husband;**
- (2) a wife;**
- (3) a father, grandfather, or stepfather;**
- (4) a mother, grandmother, or stepmother;**
- (5) a son, grandson, stepson, or son-in-law;**
- (6) a daughter, granddaughter, stepdaughter, or daughter-in-law;**
- (7) a brother or stepbrother;**
- (8) a sister or stepsister;**
- (9) an aunt;**
- (10) an uncle;**
- (11) a niece;**
- (12) a nephew; or**
- (13) a first cousin.**

(b) A relative by adoption, half-blood, marriage, or remarriage shall be treated as a relative of whole kinship.

Sec. 3. An individual who is a relative of an officer or employee of a unit may not be employed by the unit in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's relative.

Sec. 4. An employee of a unit who marries another employee or officer of the unit may not continue to be employed in the same position the employee held before the marriage if the employee would have a direct supervisory or subordinate relationship with the employee's spouse.

1 **Sec. 5. This chapter does not require the termination or**
2 **reassignment of any employee of a unit from any position held by**
3 **that individual before July 1, 2009. This section expires January 1,**
4 **2011.**

5 "SECTION 14. IC 36-6-8-13 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A member of
7 the township legislative body who holds office for a fraction of any
8 year is entitled to a proportionate fraction of the annual salary.

9 (b) A member of the township legislative body who holds office on
10 December 31 of any year is entitled to his salary on that day.

11 (c) A member of the township legislative body who leaves office
12 before December 31 of any year is entitled to his salary on the day he
13 leaves office.

14 **(d) After December 31, 2009, a member of the township**
15 **legislative body may not receive an annual salary that exceeds five**
16 **thousand dollars (\$5,000)."**

17 Renumber all SECTIONS consecutively.

 (Reference is to ESB 269 as printed March 27, 2009.)

Representative Torr